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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

YESSICA ORTIZ,

) CASE NO. 2:20-ev-1816 APG-BNW
Plaintiff,

vs.

) STIPULATION AND ORDER TO
EXTEND DEADLINES

SONORAN BARBEQUE NEVADA,
LLC; BERTHA LOREA ZAPEDA

Defendant.

(Second Stipulation)

COME NOW the parties, Yessica Ortiz, by and through her counsel, Lisa A.

Rasmussen, Esq. and Bertha Lorea Zapeda, by and through her counsel, Troy A. Clark, Esq. and Sonoran Barbeque Nevada, LLC, by and through its counsel, Ogonna Brown, and hereby stipulate as follows:

- 1. This matter was filed in the Eighth Judicial District Court in July 2020.
- 2. Ms. Lorea Zapeda was served with a copy of the Complaint and Summons in September 2020.
- 3. Sonoran Barbeque Nevada, LLC was served with a copy of the Complaint and Summons in September 2020.

On September 30, 2020, Zapeda's counsel removed the matter to this Court.

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- [ECF 1.] Ms. Lorea Zapeda's Statement of Removal was also filed on September 30, 2020. [ECF 5.]
- 5. Ms. Lorea Zapeda also filed a Motion to Dismiss the Complaint on September 30, 2020. [ECF 6.] A response to Ms. Lorea Zapeda's Motion is due on or before November 15, 2020.
- 6. On October 1, 2020, this Court issued an Order to Show Cause to the Defendants as to why this matter should not be remanded back to state court based on lack of subject matter jurisdiction. [ECF 8.] The Court set a deadline of on or before October 16, 2020 for a response from the defendants and that deadline was extended to November 15, 2020 pursuant to a prior stipulation by the parties.
- 7. Sonoran Barbeque of Nevada presently has an answer or responsive pleading due in this matter on or before November 15, 2020.
- 8. All parties participated in a mediation hearing on October 8, 2020 and they have resolved all claims. All settlement documents have been executed and the final step remaining with this matter is to file a Joint Motion for Dismissal with prejudice. This cannot be done until Plaintiff's counsel receives the funds agreed upon in the settlement agreement. The parties anticipate that funds will be received within the next two weeks, but out of an abundance of caution, they request a 30-day extension of all deadlines identified herein. The funds will be paid by a non-party to this litigation.
- 9. It would be a waste of resource and unnecessary for Plaintiff to respond to pending Motion to Dismiss and it would also be a waste of resource and unnecessary for the defendants to respond to the Complaint or this Court's Order to Show Cause as the matter will be dismissed with prejudice shortly.
- Accordingly, the parties stipulate to extend all pending deadlines to December 10. 15, 2020.
- This is the second stipulation entered into by the parties to extend these 11. deadlines.

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12. This Stipulation is not made for the purpose of delay, but rather, for the purpose 1 of judicial economy. 2 IT IS SO STIPULATED. 3 Dated this 13th day of November, 2020. 4 Wildeveld & Associates, 5 /s/ Lisa A. Rasmussen LISA A. RASMUSSEN, ESQ. 6 NV Bar No. 7491 NV Bar No. 11361 7 Counsel for Plaintiff Yessica Ortiz 8 Lewis Roca Rothgerber & Christie, LLP 9 /s/ Ogonna Brown 10 OGONNA BROWN, ESQ. NV Bar No. 7589 11 Counsel for Sonoran Barbeque of Nevada, LLC 12 13 **ORDER** 14 Upon the Stipulation of the parties, and good cause appearing, 15 Motion to Dismiss is hereby extended to December 15, 2020. 17 18 19 Plaintiff's Complaint is hereby extended to December 15, 2020. 20 21 Dated: November 16, 2020 22 23 The Honorable Andrew P. Gordon

Resnick & Louis, P.C. /s/ Troy A. Clark TROY A. CLARK, ESQ. Counsel for Defendant Bertha Zapeda

IT IS HEREBY ORDERED that the Plaintiff's deadline to respond to Lorea Zapeda's

IT IS FURTHER ORDERED that the Defendant Zapeda's deadline to respond to this Court's Order to Show Cause [ECF 8] is hereby extended to December 15, 2020.

IT IS FURTHER ORDERED that Defendant Sonoran Barbeque's deadline to respond to

United States District Judge